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that judgement then you could conceivably, on a clerical error or for any of a number of other reasons, wind up paying a judgement that is invalid.

The certified letter indicates that a person, against whom a judgement was taken, had a notification sent of that judgement. If the person refuses to sign for the letter, but the person is known to be at the address where the notice is sent, then the one holding the judgement simply has personal service against that individual. Personal service still exists in this state. They try to get away from it as a convenience. So there would still be a way to get notice to this person if he or she refused to sign for the certified letter. In most cases I would say that if the person received the letter they would sign for it and accept it. But if they did not, there is still personal service.

So what we ought to do when we deal with the system is to build a safeguard into the system which is going to cover most of the cases that are involved. In most cases a person has a right to know, by certified letter, that he or she has a judgement. That would then put an official writing into the entire record that this person was notified. If it's a mere first class letter the clerk could intend to mail it and lose it, the post office could lose it. There's no evidence that it was even sent. Then they say to the person "Well you have the judgement, you don't want to pay it so, naturally, you're going to lie and say you didn't get notice of it".

Why don't we do away with all that problem by having the certified letter with the return receipt request? Again I emphasize to you, and Senator Luedtke can stop me if I'm not telling the truth, if you know where a person is and you want to bring that person into court for any reason you can always use personal service. That means the document is actually given to the person. Senator Luedtke knows there are very clever process servers.

That's all that I have to say. I'm going to see if he contradicts what I've said to you.

PRESIDENT: Senator Luedtke.

SENATOR LUEDTKE: Mr. President, members of the Legislature. I'll disappoint Senator Chambers, I won't disagree with him on that. I will, however, say that the issue brought to us by Senator Murphy is being cleverly smokescreened by Senator Chambers because of the fact that this expanded the entire matter of service to every county court and municipal court case. The bill dealt only with small claims court, that is true. All that we did in the Committee was to say we would have the same kind of notice of judgement as now exists in all the courts, districts courts, any of the courts; that is that there merely be placed in the first class mail a postcard was the wording because that's the way it's done at the district court level. The cost of that has to be considered. Senator Chambers said well the clerk could throw the thing away, or not send it. I have more confidence in the clerks of our courts that they would do such a thing as that. The certification that it's been placed